

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DR. RICARDO VASQUEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:21-cv-01693-JRS-MG
)	
INDIANA UNIVERSITY HEALTH,)	
INC.; INDIANA UNIVERSITY)	
HEALTH BLOOMINGTON, INC.,)	
d/b/a IU HEALTH BLOOMINGTON)	
HOSPITAL; and DR. DANIEL)	
HANDEL,)	
<u>Defendants.</u>)	

DECLARATION OF WILLIAM MARKHAM

I, William Markham, now make the following declaration:

1. I am over the age of eighteen and am competent to give testimony in a legal proceeding. I have personal knowledge of the below-stated matters. If asked to do so, I could and would testify to each of them.

2. I am an attorney-at-law, am admitted to practice law in California and the District of Columbia, and am also admitted to appear before various federal courts.

3. In the present case, I have been admitted *pro hac vice* in order to represent Plaintiff, Ricardo Vasquez, M.D.

4. Exhibit 1 to Plaintiff's Appendix of Exhibits is a true and correct copy of a document that I downloaded from my account at www.archive.org on May 15, 2024. The document shows the archived version of a public job listing posted at the following URL on August 12, 2022:

www.themedicusfirm.com/job/21437/physician/obstetrics-gynecology/indiana.

I did not require login credentials to gain access to this website or the appended document, which rather was publicly posted, and which I was able to download without restriction. I have placed highlighting on this document.

5. Exhibit 2 to Plaintiff's Appendix of Exhibits is a true and correct copy of a document that I downloaded on May 6, 2024 from www.themedicusfirm.com/job/21437/physician/obstetrics-gynecology/indiana.

I did not require login credentials to gain access to this website or the appended document, which rather was publicly posted, and which I was able to download without restriction. I have placed highlighting on this document.

6. I have independently confirmed that both exhibits show a public job listing posted by Defendants' recruiter for a specialist physician at Defendants' hospital in Monroe County, Indiana. Exhibit 2 confirms that the job opening is no longer available.

7. Under Federal Rule of Evidence 201, I respectfully request that the Court take judicial notice of the above two exhibits solely to establish that Defendants' recruiter publicly posted them. *See Dwyer v. Allbirds, Inc.*, 598 F.Supp.3d 137, 148 (2022) ("A court may also consider matters of which judicial notice may be taken under Fed. R. Evid. 201. This includes information on a party's publicly available website, as long as the authenticity of the site is not in dispute, but such information may be considered only for the fact that it was said, not for its truth.")

I declare under penalty of perjury under the laws of the United States that each of the above matters is true and correct.

Executed at San Diego, California on May 15, 2024.

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/s/ William Markham

William Markham, Admitted *Pro Hac Vice*
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CERTIFICATE OF SERVICE

I certify that on May 15, 2024 I filed the foregoing document and served it on all counsel of record in this case by causing it to be submitted for filing and e-service in the Court's CM/ECF system. I therefore understand that this document will be deemed served on all attorneys registered to receive electronic filings in this case.

Dated: May 15, 2024 Respectfully submitted,

/s/ William Markham

William Markham, Admitted *Pro Hac Vice*
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